

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| In the Matter of                     | ) |                      |
|                                      | ) |                      |
| Year 2000 Biennial Regulatory Review | ) |                      |
| — Amendment of Part 22 of the        | ) |                      |
| Commission's Rules to Modify or      | ) | WT Docket No. 01-108 |
| Eliminate Outdated Rules Affecting   | ) |                      |
| the Cellular Radiotelephone Service  | ) |                      |
| and Other Commercial Mobile Radio    | ) |                      |
| Services                             | ) |                      |
| _____                                | ) |                      |

**SPRINT PCS REPLY COMMENTS**

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## Summary

There is widespread recognition that an extended phase-out of the AMPS requirement is necessary and will serve the public interest. Indeed, only three of the 35 commenters support immediate repeal of the rule. Consumers will face chaos if each cellular carrier is permitted to close down its AMPS network according to its own, individual schedule, since a traveler may not realize that AMPS is no longer available in certain areas. Moreover, certain important services currently depend on AMPS. Sprint PCS submits that Commission announcement of one, national sunset date of at least five years will in fact facilitate the prompt migration from AMPS, because service providers and others can use that date to begin educating customers about the need to find alternative arrangements.

Sprint PCS does not agree with those who argue that the cellular quality of service rule should be repealed before the sunset date. Two of the largest cellular carriers advocate an immediate repeal of the AMPS rules so they can close their AMPS networks at will. Adoption of an AMPS sunset date without a corresponding quality of service standard would simply create a loophole whereby certain carriers could do indirectly (provide inadequate AMPS capacity and service) what they could not do directly (close their AMPS networks altogether).

Sprint PCS also does not agree with the proposal to change the PCS rule governing the measurement of out-of-band emissions. First, there is no evidence that the current rule is inadequate or is causing any problems. Second, changing the rule could have enormous consequences on existing PCS services by limiting the number of frequency assignments (*i.e.*, carriers) that can be deployed in any given market. This could have negative service quality and efficiency impacts with no corresponding benefit. It will also impose significant and unnecessary costs. Moreover, CMRS providers may find it necessary to devote thousands of man-hours reviewing existing base stations to ensure compliance with the new rule.

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**SPRINT PCS REPLY COMMENTS**

Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint PCS"), submits this reply in response to the comments filed in this proceeding.

**I. THERE IS WIDESPREAD RECOGNITION THAT A NATIONAL FIVE-YEAR PHASE-OUT OF THE AMPS REQUIREMENT IS NECESSARY AND WOULD PROMOTE THE PUBLIC INTEREST**

Only three of the 35 commenters support the immediate repeal of the AMPS requirement that cellular licensees "must provide cellular mobile radiotelephone service upon request to all cellular subscribers in good standing . . . ." ("AMPS requirement" or "AMPS rule")<sup>1</sup>: AT&T Wireless, Cingular, and Ericsson. Cingular alone asserts the requirement "no longer serves the public interest."<sup>2</sup> This view is not shared by any other commenter, including other cellular carriers, large and small,<sup>3</sup> the two industry trade as-

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<sup>1</sup> 47 C.F.R. § 22.901 (2000).

<sup>2</sup> Cingular at 3.

<sup>3</sup> See, e.g., Bristol Bay Cellular; CenturyTel Wireless; Mid-Missouri Cellular at 4 ("From the perspective of small and regional carriers the proposal to eliminate the analog compatibility service

sociations submitting comments,<sup>4</sup> providers of telematics services,<sup>5</sup> providers of heavy equipment tracking systems,<sup>6</sup> the deaf and hard-of-hearing communities,<sup>7</sup> and individual consumers.

The principal argument that AT&T Wireless and Cingular make is that the Commission need not be concerned about the consequences of repealing the AMPS rule because “market forces will ensure that carriers continue to support their analog customers until demand no longer warrants the continued provision of analog service.”<sup>8</sup> Sprint PCS has no doubt that individual cellular carriers would continue to offer analog service to their customer base if the AMPS requirement is immediately repealed. But an individual carrier’s unilateral termination of AMPS has ramifications far beyond its own customer base. As OnStar correctly notes, “Analog is the ‘glue’ that holds the [wireless] system together by enabling nationwide roaming”:

While statistics show that the nation’s cell phone users are increasingly shifting to digital phones, in fact there is no nationwide wireless system without analog.<sup>9</sup>

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requirements would be devastating.”); Rural Telecommunications Group; Verizon Wireless; and U.S. Cellular.

<sup>4</sup> See CTIA and Rural Cellular Association at 1 (AMPS requirement “remains vibrant and necessary.”).

<sup>5</sup> See ATX Technologies and OnStar.

<sup>6</sup> See CaseNewHolland and Deere & Company.

<sup>7</sup> See, e.g., Alexander Graham Bell Association for the Deaf and Hard of Hearing; Council of Organizational Representatives on National Issues Concerning People Who Are Deaf or Hard of Hearing; League for the Hard of Hearing; National Association of the Deaf; Self Help for Hard of Hearing People; and Telecommunications for the Deaf.

<sup>8</sup> Cingular at 6. See also AT&T Wireless at 1-2 (“Market forces will ensure that carriers continue to serve their remaining analog customers and roamers, even in the absence of a rule.”); Ericsson at 5-6.

<sup>9</sup> OnStar at 8.

Sprint PCS has recommended that the AMPS requirement sunset in a manner that allows for an orderly transition to digital services. As Sprint PCS explained, it will take “one or two years before the sunset date even becomes widely known among (and understood by) the public,” and thereafter “customers and service providers dependent upon AMPS (e.g., OnStar) will need time to find suitable alternatives and to adjust to the new environment.”<sup>10</sup> In addition, according to one telematics provider, “due to the long lead times required in the automobile production process, [AMPS] will be deployed through at least the 2003 model year,”<sup>11</sup> and the average life of a vehicle is eight years.<sup>12</sup> Thus, new AMPS users are expected for the foreseeable future.

There is widespread support for an orderly transition plan, with the Rural Cellular Association, the Rural Telecommunications Group, Qwest Wireless, and Verizon Wireless all supporting a five-year sunset date.<sup>13</sup> As Verizon Wireless observes, “a five-year sunset date for the analog cellular service requirement has several benefits for carriers and customers alike”:

[C]arriers will benefit by knowing they have five years to migrate customers from purely analog to multi-mode, digital-capable equipment. . . . In addition, carriers will also know they have five years to make arrangements to fill roaming gaps that might be created by the loss of an analog roaming partner.

Customers and/or businesses that rely on analog cellular service will benefit by knowing that they have five years to replace analog equipment with digital technology or risk losing functionality. . . . Where equipment cannot be replaced because it is built into automobiles or other machinery,

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<sup>10</sup> Sprint PCS at 7.

<sup>11</sup> ATX at 12.

<sup>12</sup> See OnStar at 5. Compare CaseNewHolland at 4 (vehicle life spans of 10+ years).

<sup>13</sup> Deere & Company proposes a 10-year sunset rule.

the five years will ensure that the embedded equipment retains its current utility for a set period of time.<sup>14</sup>

Sprint PCS believes that consumers will face chaos if each cellular carrier is permitted to close down its AMPS network according to its own, individual schedule, since a traveler may not realize that AMPS is no longer available in certain areas. And because certain services currently are dependent on AMPS. Instead, an orderly, national transition is necessary, given the critical role that AMPS plays in today's mobile market. As Qwest Wireless explains:

If individual carriers were allowed to determine when they withdraw AMPS, the operation of wireless telecommunications systems would certainly not be seamless, because AMPS would be available in some areas and not others, and those who are dependent on AMPS (*e.g.*, roamers and users of TTY devices) would have no certainty concerning whether they will have service or not in a given area.<sup>15</sup>

Sprint PCS submits that Commission announcement of one, national sunset date will in fact facilitate the prompt migration from AMPS, because service providers and others can use that date to begin educating customers about the need to find alternative arrangements.<sup>16</sup> As CTIA recognizes, a national AMPS transition "will ultimately enable cellular carriers to provide better and more services to customers."<sup>17</sup>

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<sup>14</sup> Verizon Wireless at 9.

<sup>15</sup> Qwest Wireless at 3.

<sup>16</sup> Sprint PCS agrees with U.S. Cellular that cellular carriers should be free to continue to use their AMPS networks after the national AMPS sunset date.

<sup>17</sup> CTIA at 12.

## **II. THE SPECIFIC ARGUMENTS OF THE PROPONENTS OF IMMEDIATE REPEAL LACK MERIT**

AT&T Wireless and Cingular make numerous arguments in support of their position that the AMPS requirement should be repealed immediately. Most of these arguments are already addressed in the comments filed by others and need not be repeated here. For example, Cingular asserts that repeal would enable it to free up spectrum for other uses it because it currently devotes 16% of its channels to AMPS service, although Cingular does not identify how many millions of its customers currently use AMPS.<sup>18</sup> As Verizon Wireless documents, however, elimination of the AMPS requirement “will not free up a significant amount of spectrum for other uses” and will “not have a significant effect on the availability of spectrum resources in the markets where additional spectrum is needed most.”<sup>19</sup> In any event, the “AMPS credit” proposed by Sprint PCS addresses the capacity concerns raised by Cingular.<sup>20</sup>

There are two arguments that AT&T Wireless and Cingular advance that require a brief response.

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<sup>18</sup> See Cingular at 3 and 16. Similarly, Cingular and AT&T Wireless assert that repeal of the AMPS rule will encourage rural carriers to convert to digital systems. But as rural carriers point out, they often cannot make their choice of digital technology until their roaming partners make their technology choice, a process that has become difficult given the recent decisions by Cingular and AT&T wireless to convert their TDMA networks to GSM. See, e.g., Mid-Missouri Cellular at 5-6; Rural Cellular Association at 8-9.

<sup>19</sup> Verizon Wireless at 10-12.

<sup>20</sup> See Sprint PCS Comments, WT Docket No. 01-14 at 9 (April 13, 2001).



**A. REGULATORY PARITY DOES NOT DICTATE THE IMMEDIATE REPEAL  
OF THE AMPS REQUIREMENT**

AT&T Wireless and Cingular both assert that the AMPS requirement is “contrary to principles of regulatory parity, because it exists *only* for cellular carriers and not their PCS and SMR competitors.”<sup>21</sup>

[C]ontinued imposition of an analog requirement solely on cellular operators is fundamentally inconsistent with Congress’s goal of ensuring, through the enactment of Section 332(c), that “services that provide equivalent mobile services are regulated in the same manner.”<sup>22</sup>

Congress has established regulatory symmetry as an important goal for the CMRS industry. Congress further recognized, however, that “market conditions may justify differences in the regulatory treatment of some providers of commercial mobile services,” and it explicitly gave the Commission “flexibility to determine which specific regulations should be applied to each carrier.”<sup>23</sup> In this regard, the Commission has repeatedly recognized that “parity for its own sake is not required by any provision of the Act.”<sup>24</sup>

There are numerous reasons for retaining the AMPS requirement for a specified period of time, as discussed above, and this obligation, although applicable only to one class of CMRS provider, does not undermine the Communications Act in any way. In fact, continuation of the AMPS requirement would further the Congressional policy of encouraging the operation of “seamless, ubiquitous and reliable wireless telecommunica-

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<sup>21</sup> Cingular at 4 (emphasis in original).

<sup>22</sup> AT&T Wireless at 3.

<sup>23</sup> H.R. Rep. No. 103-213, 103d Cong. 1<sup>st</sup> Sess. 491 (1993). *See also id.* at 494 (“[D]ifferential regulation of providers of commercial mobile services is permissible but is not required in order to fulfill the intent of this section.”).

<sup>24</sup> *Arizona CMRS Rate Petition Order*, 10 FCC Rcd 7824, 7833 ¶ 37 (1995). *See also Second CMRS Order*, 9 FCC Rcd 1411, 1463 ¶ 124, 1474-75 ¶ 162 (1994); *AT&T/McCaw Merger Order*, 9 FCC Rcd 5836, 5858 ¶ 32 (1994), *aff’d SBC v. FCC*, 56 F.3d 1484 (D.C. Cir. 1995).

tions systems” as digital networks continue to be constructed in additional areas.<sup>25</sup> It also serves the public interest by ensuring an orderly service transition for the millions of subscribers dependent on AMPS services.

There is also no merit to Cingular’s related assertion that PCS carriers enjoy “an unwarranted competitive advantage” over cellular carriers as a result of the AMPS requirement.<sup>26</sup> Cellular carriers obtained their spectrum (unencumbered) for free, they enjoyed a 10-year head start in network buildout, and during the decade of duopoly, they earned “economic rents of significant proportions” using their AMPS networks.<sup>27</sup> Moreover, as Sprint PCS noted in the automatic roaming proceeding, the roaming market, unlike the retail CMRS market, largely remains a duopoly where cellular incumbents possess dominant market power.<sup>28</sup>

In summary, Cingular is not harmed by maintaining its existing AMPS network to allow for an orderly transition, whether to provide service to the millions of its own AMPS customers or to support its profitable roaming services. In addition, Sprint PCS has proposed that the Commission adopt a 10 MHz AMPS credit against the spectrum cap for cellular carriers, a credit that would enable them to acquire more spectrum than cellular carriers devote to their AMPS networks.<sup>29</sup>

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<sup>25</sup> Wireless Communications and Public Safety Act of 1999, 106<sup>th</sup> Cong., 1<sup>st</sup> Sess., Pub. L. No. 106-81, § 2, 113 Stat. 1287 (Oct. 226, 1999).

<sup>26</sup> Cingular at 4.

<sup>27</sup> *First Annual CMRS Competition Report*, 10 FCC Rcd 8844, 8871 ¶ 81 (1995).

<sup>28</sup> See Sprint PCS Comments, WT Docket No. 00-193, at 4-9 (Jan. 5, 2001); Sprint PCS Reply Comments, WT Docket No. 00-193, at 3-9 (Feb. 5, 2001).

<sup>29</sup> The largest cellular carrier has stated that because of “important analog uses, a minimum of 5 MHz of spectrum will need to be dedicated to analog use for the foreseeable future.” Declaration of Richard J. Lynch, Verizon Wireless Executive Vice President/Chief Technical Officer, at 6 ¶ 19, attachment to Verizon Wireless Reply Comments, WT Docket No. 01-14 (May 14, 2001).

**B. THE AMPS REQUIREMENT DOES NOT INHIBIT NEW ENTRANT NETWORK BUILDOUT**

Cingular, but not AT&T Wireless, asserts that the AMPS requirement is “inhibiting the formation of additional competition in the wireless industry, notably in rural areas,” where PCS licensees have “not built out their own digital systems”:

If not for the analog requirements, these PCS providers would be encouraged to build out their networks in these rural areas in order to provide nationwide coverage. By eliminating the analog requirement, the Commission would encourage these carriers to invest in rural areas . . . .<sup>30</sup>

This Cingular argument is baseless as well.

Sprint PCS is a new entrant carrier whose network does not today extend to as many areas as the incumbent cellular carriers. This circumstance is not due to a lack of effort or expenditure, but rather, due to a lack of time – and different obstacles to siting not faced by incumbent cellular carriers. Sprint PCS launched service five years ago and it has constructed its network at a rate faster than any other CMRS carrier in history. Specifically, it has installed more cell sites during its first five years than the *entire* cellular industry installed during its *first ten years*.<sup>31</sup> Since June 1998, Sprint PCS has averaged the installation of almost 200 cell sites each month, and during the first half of 2001 has averaged over 230 cell sites per month. Sprint PCS believes these installation rates are unparalleled in the industry.

Whereas Cingular (and its predecessor companies) have had over 16 years to build its network, Sprint PCS and other A and B block PCS licensees have had only six

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<sup>30</sup> Cingular at 4.

<sup>31</sup> Sprint PCS installed over 14,000 cell sites during its first five years. In contrast, the cellular industry collectively constructed less than 13,000 cell sites by the end of 1993. See CTIA Semi-Annual Wireless Survey.

years to build their networks (with D, E and F block licensees having even less time). It is therefore not surprising that the coverage of incumbent cellular carriers in certain areas may be more extensive than the current coverage of new entrant carriers.

As noted above, PCS licensees also face challenges in building their networks that cellular carriers never faced. For example, the zoning approval process today is considerably more complex, contentious and time consuming compared to the environment cellular carriers faced when building their networks. It currently takes over 18 months on average for Sprint PCS to construct a new cell site (including collocations) due to the delays in the zoning approval process.<sup>32</sup>

Perhaps the most perverse obstacle that new entrants face is certain federal court decisions applying the Communications Act. Congress was very clear that while local governments may make decisions concerning antenna sites, they may not take actions that have “the effect of prohibiting the provision of personal wireless service” or that “unreasonably discriminate among providers of functionally equivalent services.”<sup>33</sup> Yet, the Second Circuit has ruled that localities can prevent Sprint PCS from offering in-building

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<sup>32</sup> For example, Provincetown, Massachusetts issued in May 1997 an RFP to permit antennas on its water tank. Sprint PCS won the bid, but in April 1999 the town reversed course, deciding to prohibit attachments to the tank. Four years later, Sprint PCS is still attempting to find a site so it can serve this area. Similarly, in 1996 Sprint PCS sought approval to attach antennas to water tanks in Oyster Bay, New York. The town refused and litigation followed. The district court entered an injunction against Oyster Bay in June 1998 and the appellate court affirmed in January 1999. Two years later and despite a 2.5-year-old injunction, the town still refuses to issue permits. Sprint PCS has also sought to install facilities in Westchester, New York. In January 1999 the town insisted that Sprint PCS use its water towers. The parties negotiated a lease, but after two years the town has still not issued the necessary permit. Lincoln, Massachusetts adopted an ordinance specifying that a tower may not be higher than 20 feet over the tree line. However, town staff has interpreted this ordinance as a height above the *average* tree, not the tree line on sites suitable for a tower.

<sup>33</sup> 47 U.S.C. § 332(c)(7)(B)(i).

coverage even though cellular incumbents already offer such coverage.<sup>34</sup> And the Third Circuit has held that a local government can preclude a PCS licensee from serving a particular area altogether if an incumbent carrier is already providing service in the community.<sup>35</sup> The impact of these decisions is regrettably beginning to proliferate,<sup>36</sup> and the Commission should discharge its statutory mandate to render a proper interpretation of the Communications Act.<sup>37</sup>

In summary, there is no basis whatsoever for the unsupported assertion that repeal of the AMPS requirement will “encourage” PCS licensees to expand their network buildout. Sprint PCS does not need an incentive for continued network buildout, especially given the roaming prices that certain cellular carriers impose. What Sprint PCS and other new entrants need is time, opportunity, and a fair reading of the Communications Act.

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<sup>34</sup> See *Sprint Spectrum v. Willoth*, 176 F.3d 630 (2d Cir. 1999).

<sup>35</sup> See *Omnipoint v. Newtown Township*, 219 F.3d 240 (3d Cir.), *cert. denied*, 121 S. Ct. 441 (Nov. 6, 2000). See also *APT Pittsburgh v. Lower Yoder Township*, 111 F. Supp. 2d 664 (W.D. Pa. 2000).

<sup>36</sup> For example, Sprint PCS sought permission to install a tower in Durham, Connecticut, and its application did not require the issue of any variances. The town nonetheless denied the application in November 2000 because Sprint PCS’ FCC license does not require “seamless” coverage, or anything close to it, and Sprint did not demonstrate that there wasn’t adequate coverage provided by another carrier. Similarly, Sprint PCS sought permission to install a tower in a commercial district in Roxbury, New Jersey, where such towers are permitted. Sprint PCS’ application was nonetheless denied in December 2000 -- 18 months after the application had been submitted. One of the board members subscribed to AT&T Wireless and believed that his service worked just fine. Therefore, the zoning board therefore determined that there was no need for additional competitors.

<sup>37</sup> Congress has charged the Commission with enforcing and interpreting the Act, and the Supreme Court has recognized that the FCC is “the experienced administrative agency . . . [and] its construction of the [Act] is entitled to judicial deference.” *CBS v. FCC*, 453 U.S. 367, 390 (1981).

### **III. THE COMMISSION SHOULD RETAIN ITS CELLULAR QUALITY OF SERVICE RULE DURING THE AMPS PHASE-OUT PERIOD**

Current cellular rules impose a quality of service standard on cellular carriers. Specifically, carriers are required to provide AMPS service to all customers upon request and to notify the Commission in the event they have inadequate capacity to meet the demand for AMPS.<sup>38</sup> Sprint PCS does not agree with the Commission's proposal to repeal these requirements before the AMPS sunset date.<sup>39</sup>

Most cellular carriers have indicated their desire to maintain their AMPS networks, at least for five years.<sup>40</sup> Two of the largest cellular carriers, however, AT&T Wireless and Cingular, advocate an immediate repeal of the AMPS requirement so they can close their AMPS networks at will. Adoption of an AMPS sunset date without a corresponding quality of service standard would simply create a loophole whereby certain carriers could do indirectly (provide inadequate AMPS capacity and service) what they cannot do directly (close their AMPS networks altogether).

Indeed, there is some evidence that certain cellular carriers already may not be devoting sufficient capacity to AMPS. According to the Rural Cellular Association, many of its members receive customer complaints over their inability to obtain an open channel while roaming:

According to an RCA member, "In certain busy metropolitan markets, especially in South Florida, the lack of sufficient analog channels has severely impacted our customers, even those with dual mode phones (analog/TDMA)." Another member notes that the major difficulty its analog

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<sup>38</sup> See 47 C.F.R. § 22.901.

<sup>39</sup> Sprint PCS agrees that quality of service requirements should not be extended to cellular provision of services using digital technologies.

<sup>40</sup> See note 3 *supra*.

customers have when roaming is the receipt of “fast busies,” indications that no channels are available.<sup>41</sup>

Rigid, detailed rules are not required, and retention of the current quality of service rule may be the best course for the Commission to follow because it provides each cellular carrier with considerable flexibility. Cellular carriers may propose a different approach that ensures adequate AMPS capability will be available during the national transition. Nevertheless, given the position of some cellular carriers, it is clear that some quality of service standard is needed during the national phase-out transition period to ensure maintenance of AMPS service to the public.

#### **IV. THE COMMISSION SHOULD NOT ADOPT THE PCS EMISSIONS RULE CONTAINED IN PROPOSED SECTION 24.238(B)**

Although this proceeding was commenced to review the Part 22 rules applicable to cellular carriers, the Commission also proposes revising one of the Part 24 rules applicable to PCS licensees in order to harmonize the wording of the out-of-band emission limit rules for cellular and PCS. Specifically, the Commission has requested comment on two proposals.

First, the Commission proposes to give PCS licensees the same flexibility already extended to licensees in the Wireless Communications Service — namely, the ability to exceed authorized emissions limits with the consent of the adjacent spectrum licensee.<sup>42</sup> Sprint PCS does not oppose this proposal, since it would largely codify an uncontested blanket waiver that the Wireless Bureau entered last year.<sup>43</sup>

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<sup>41</sup> Rural Cellular Association at 5.

<sup>42</sup> See *Part 22 Biennial Review NPRM* at ¶ 42 and Proposed Rule 24.238(c).

<sup>43</sup> See *Rule 24.238 Waiver Order*, DA 00-1767, 15 FCC Rcd 13422 (Aug. 4, 2000).

Sprint PCS cannot, however, support the second proposed rule revision, which would change the way that out-of-band emissions are measured, making emission limits relative to the center of the main emission bandwidth.<sup>44</sup> First, there is no evidence to suggest that the current rule is inadequate or causing any problems. Harmonization can be a laudable goal, but not when such effort results in a negative impact upon licensees. As Qualcomm explains, this proposed change would significantly reduce emission limits for PCS equipment and would as a result, “limit the deployment of 3G technologies and thus would retard innovation and deprive the American public of enjoying the plethora of benefits from new 3G technologies.”<sup>45</sup> The proposed rule change would have the effect of limiting the number of frequency assignments (*i.e.*, carriers) that could be deployed in any given market and thus would negatively impact coverage and spectral efficiency. The reduction of useable spectrum is especially of concern in the smaller PCS license blocks, where capacity is more likely to be constrained.

Moreover, adoption of the proposed measurement methodology could force CMRS providers to review thousands of base stations to ensure they are in compliance with out-of-band emission limits. Depending upon the outcome of such a review, carriers might be required to expend significant resources and capital for new filters or radios just to maintain coverage levels as they exist today. Sprint PCS therefore recommends that the Commission maintain the current Rule 24.238(b), as Qualcomm proposes.

Sprint PCS does not object, however, to the rule change proposed by Ericsson and the Telecommunications Industry Association that would permit, but not require, meas-

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<sup>44</sup> See Proposed Rule 24.238(b).

<sup>45</sup> Qualcomm at 6.



urements using a narrower resolution bandwidth, provided that the power being measured be integrated over the full required measurement bandwidth.<sup>46</sup> Such an approach will improve measurement accuracy and ultimately assist licensees in determining whether they are meeting emission limit requirements.

**V. THE COMMISSION SHOULD ADOPT CONSISTENT LICENSE RENEWAL RULES FOR ALL CMRS LICENSEES**

As CTIA points out, the license renewal rules for PCS licensees are incomplete and not fully compatible with the rules applicable to cellular carriers.<sup>47</sup> To eliminate future controversy and to ensure parity among competing services, the Commission should use this proceeding to act on the December 1999 petition that CTIA filed requesting that the Commission extend the cellular service license renewal rules to the PCS license renewal process.<sup>48</sup>

Further, Sprint PCS submits that the Commission can best achieve the CMRS regulatory parity objectives of the Communications Act by moving rules applicable to such subjects as buildout, CALEA, and the license renewal process from rule parts governing individual services — whether Part 22 (cellular), Part 24 (PCS), Part 27 (WCS, 800 MHz), or Part 90 (enhanced SMRS) — to Part 20, the set of rules applicable to CMRS carriers generally.

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<sup>46</sup> See TIA at 9. See also Ericsson at 10.

<sup>47</sup> See CTIA at 18-20.

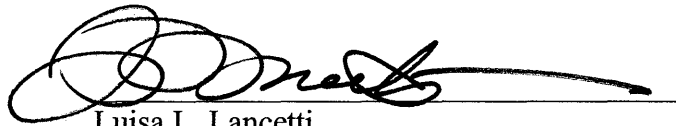
<sup>48</sup> See CTIA, Petition for Rulemaking to Extend the Part 22 Cellular Renewal Rules to the Part 24 Personal Communications Service (Dec. 21, 1999). To Sprint PCS' knowledge, the Commission has not yet requested comment on this petition.

## VI. CONCLUSION

For the foregoing reasons, Sprint PCS respectfully requests that the Commission establish a specific sunset date at least five years from now for the discontinuance of AMPS service, that it adopt a transition plan based on the proposals discussed above and in Sprint PCS' comments, that it adopt consistent license renewal rules for all CMRS licensees and that it decline to modify the PCS Emission rule (24.238(b)) as proposed.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'L. Lancetti', is written over a horizontal line.

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